

## Employment and Training Administration, Labor

669.110

- 669.210 How does an eligible entity become an NFJP grantee?
- 669.220 What is the role of the NFJP grantee in the One-Stop delivery system?
- 669.230 Can an NFJP grantee's designation be terminated?
- 669.240 How will we use funds appropriated under WIA section 167 for the NFJP?

### Subpart C—The National Farmworker Jobs Program Customers and Available Program Services

- 669.300 What are the general responsibilities of the NFJP grantees?
- 669.310 What are the basic components of an NFJP service delivery strategy?
- 669.320 Who is eligible to receive services under the NFJP?
- 669.330 How are services delivered to the customer?
- 669.340 What core services are available to eligible MSFW's?
- 669.350 How are core services delivered to MSFW's?
- 669.360 May grantees provide emergency assistance to MSFW's?
- 669.370 What intensive services may be provided to eligible MSFW's?
- 669.380 What is the objective assessment that is authorized as an intensive service?
- 669.400 What are the elements of the Individual Employment Plan that is authorized as an intensive service?
- 669.410 What training services may be provided to eligible MSFW's?
- 669.420 What must be included in an on-the-job training contract?
- 669.430 What Related Assistance services may be provided to eligible farmworkers?
- 669.440 When may farmworkers receive related assistance?

### Subpart D—Performance Accountability, Planning and Waiver Provision

- 669.500 What performance measures and standards apply to the NFJP?
- 669.510 What planning documents must an NFJP grantee submit?
- 669.520 What information is required in the NFJP grant plans?
- 669.530 What are the submission dates for these plans?
- 669.540 Under what circumstances are the terms of the grantee's plan modified by the grantee or the Department?
- 669.550 How are costs classified under the NFJP?
- 669.555 Do the WIA administrative cost limits for States and local areas apply to NFJP grants?
- 669.560 Are there regulatory and/or statutory waiver provisions that apply to WIA section 167?

- 669.570 What information is required to document a requested waiver?

### Subpart E—The MSFW Youth Program

- 669.600 What is the purpose of the WIA section 167 MSFW Youth Program?
- 669.610 What is the relationship between the MSFW youth program and the NFJP authorized at WIA section 167?
- 669.620 How do the MSFW youth program regulations apply to the NFJP programs authorized under WIA section 167?
- 669.630 What are the requirements for designation as an "MSFW youth program grantee"?
- 669.640 What is the process for applying for designation as an MSFW youth program grantee?
- 669.650 How are MSFW youth funds allocated to section 167 youth grantees?
- 669.660 What planning documents and information are required in the application for MSFW youth grants and when must they be filed?
- 669.670 Who is eligible to receive services under the section 167 MSFW youth program?
- 669.680 What activities and services may be provided under the MSFW youth program?

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### Subpart A—Purpose and Definitions

#### § 669.100 What is the purpose of the National Farmworker Jobs Program (NFJP) and the other services and activities established under WIA section 167?

The purpose of the NFJP, and the other services and activities established under WIA section 167, is to strengthen the ability of eligible migrant and seasonal farmworkers and their families to achieve economic self-sufficiency. This part provides the regulatory requirements applicable to the expenditure of WIA section 167 funds for such programs, services and activities.

#### 669.110 What definitions apply to this program?

In addition to the definitions found in WIA sections 101 and 167 and in 20 CFR 660.300, the following definitions apply to programs under this part:

*Allowances* means direct payments, which must not exceed the higher of the State or Federal minimum wage, made to NFJP participants during their enrollment to enable them to participate in intensive or training services.

*Capacity enhancement* means the technical assistance we provide to grantees and grantee staff by the Department to improve the quality of the program and the delivery of program services to NFJP participants.

*Dependent* means an individual who:

(1) Was claimed as a dependent on the qualifying farmworker's federal income tax return for the previous year; or

(2) Is the spouse of the qualifying farmworker; or

(3) If not claimed as a dependent for federal income tax purposes, is able to establish:

(i) A relationship as the farmworker's

(A) Child, grandchild, great grandchild, including legally adopted children;

(B) Stepchild;

(C) Brother, sister, half brother, half sister, stepbrother, or stepsister;

(D) Parent, grandparent, or other direct ancestor but not foster parent;

(E) Foster child;

(F) Stepfather or stepmother;

(G) Uncle or aunt;

(H) Niece or nephew;

(I) Father-in-law, mother-in-law, son-in-law; or

(J) Daughter-in-law, brother-in-law, or sister-in-law; and

(ii) The receipt of over half of his/her total support from the eligible farmworker's family during the eligibility determination period.

*Disadvantaged* means a farmworker whose income, for any 12 consecutive months out of the 24 months immediately before the farmworker applies for the program, does not exceed the higher of either the poverty line or 70 percent of the lower living standard income level, adjusted for the farmworker's family size and including the income of all wage earners, except when its inclusion would be unjust due to unstable conditions of the family unit.

*DSFP* means the Division of Seasonal Farmworker Programs within the Em-

ployment and Training Administration of the Department, or a successor organizational unit.

*Eligibility determination period* means any consecutive 12-month period within the 24-month period immediately preceding the date of application for the NFJP by the applicant farmworker.

*Emergency Assistance* means assistance that addresses immediate needs of farmworkers and their families, provided by NFJP grantees. Except for evidence to support legal working status in the United States and Selective Service registration, where applicable, the applicant's self-attestation is accepted as eligibility for emergency assistance.

*Farmwork* means those occupations and industries within agricultural production and agricultural services that we identify for the National Farmworker Jobs Program.

*Housing development assistance* within the NFJP, is a type of related assistance consisting of an organized program of education and on-site demonstrations about the basic elements of family housing and may include financing, site selection, permits and construction skills, leading towards home ownership.

*MOU* means Memorandum of Understanding.

*MSFW* means a Migrant or Seasonal Farmworker under WIA section 167.

*MSFW program grantee* means an entity to which we directly award a WIA grant to carry out the MSFW program in one or more designated States or substate areas.

*National Farmworker Jobs Program (NFJP)* is the nationally administered workforce investment program for farmworkers established by WIA section 167 as a required partner of the One-Stop system.

*Related Assistance* means short-term forms of direct assistance designed to assist farmworkers and their families to retain or stabilize their agricultural employment or enrollment in the NFJP.

*Self-certification* means a farmworker's signed attestation that the information he/she submits to demonstrate eligibility for the NFJP is true and accurate.

## Employment and Training Administration, Labor

## § 669.170

*Service area* means the geographical jurisdiction in which a WIA section 167 grantee is designated to operate.

*Work experience* means a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate.

### **§ 669.120 How do we administer the NFJP program?**

This program is centrally administered by the Department of Labor in a manner consistent with the requirements of WIA section 167. As described in § 669.210, we designate grantees using procedures consistent with standard Federal government competitive procedures. We award other grants and contracts using similar competitive procedures.

### **§ 669.130 What unit within the Department administers the National Farmworker Jobs Program funded under WIA section 167?**

We have designated the Division of Seasonal Farmworker Programs (DSFP), or its successor organization, within the Employment and Training Administration, as the organizational unit that administers the NFJP and other MSFW programs at the Federal level.

### **§ 669.140 How does the Division of Seasonal Farmworker Programs (DSFP) assist the MSFW grantee organizations to serve farmworker customers?**

We provide technical assistance and training to MSFW grantees for the purposes of program implementation and program performance management leading to enhancement of services to and continuous improvement in the employment outcomes of farmworkers.

### **§ 669.150 How are regulations established for this program?**

In developing regulations for WIA section 167, we consult with the Migrant and Seasonal Farmworker Employment and Training Advisory Committee. The regulations and program guidance consider the economic cir-

cumstances and demographics of eligible migrant and seasonal farmworkers.

### **§ 669.160 How do we consult with NFJP organizations in developing rules, regulations and standards of accountability, and other policy guidance for the NFJP?**

(a) We consider the NFJP grantee community as a full partner in the development of policies for the NFJPs under the Act.

(b) We have established and continue to support the Federal MSFW Employment and Training Advisory Committee. Through the Advisory Committee, we actively seek and consider the views of the grantee community before establishing policies and/or program regulations, according to the requirements of WIA section 167.

### **§ 669.170 What WIA regulations apply to the programs funded under WIA section 167?**

(a) The regulations found in this part;

(b) The general administrative requirements found in 20 CFR part 667, including the regulations concerning Complaints, Investigations and Hearings found at 20 CFR part 667, subpart E through subpart H, which cover programs under WIA section 167;

(c) The Department's regulations codifying the common rules implementing Office of Management and Budget (OMB) Circulars, which generally apply to Federal programs carried out by State and local governments and nonprofit organizations at 29 CFR parts 95, 96, 97, and 99, as applicable.

(d) The regulations on partnership responsibilities contained in 20 CFR parts 661 (Statewide and Local Governance) and 662 (the One-Stop System).

(e) The Department's regulations at 29 CFR part 37, which implement the nondiscrimination provisions of WIA section 188, apply to recipients of financial assistance under WIA section 167.